

DECISION

Racing Integrity Act 2016, sections 252AH, 252BM

Review application number	RAP-107	
Name	Justin Huxtable	
Panel	Mr. K J O'Brien AM (Chairperson) Ms. L Hicks (Panel Member) Mr. E Wilkinson (Panel Member)	
Code	Thoroughbreds	
Rule	Australian Rules of Racing 131(b) <i>A rider must not, in the opinion of the Stewards fail to ride his or her horse out to the end of the race and/or approaching the end of the race</i>	
Penalty Notice number	PN-010383	
Appearances & Representation	Applicant	Self-represented
	Respondent	Queensland Racing Integrity Commission K Daly instructed by E Ballard
Hearing Date	20 August 2024	
Decision Date	20 August 2024	
Decision	Pursuant to 252AH(1)(a) the Racing decision is Confirmed <i>(delivered ex tempore)</i>	

Reasons for Decision

- [1] The Applicant in this matter is licensed jockey Mr Justin Huxtable. On the 11th of August 2024, following his ride on Boom Boom Basil in race one at the Sunshine Coast, Mr Huxtable pleaded guilty before stewards to an offence against Australian rule of Racing AR 131(b).
- [2] The penalty imposed was a seven-day suspension of licence commencing 18 August 2024, ending 24 August 2024. Pursuant to section 252AB of the *Racing Integrity Act 2016*, the Applicant now applies to this Panel for a review of that determination.
- [3] AR 131(b) provides that a rider must not, in the opinion of Stewards, fail to ride his or her horse out to the end of the race and/or approaching the end of the race. The specific charge against the Applicant was in the following terms:

At the Sunshine Coast on the 11th of August 2024 in race 1 as the rider of BOOM BOOM BASIL, you failed to ride your mount out fully to the finishing line. In finishing in sixth place with 0.2L from the fourth place PHANTOM SPIRIT, cost BOOM BOOM BASIL fourth place.

- [4] At the Steward's hearing, the Applicant accepted his guilt of the charge and by way of explanation, stated that he had misjudged the winning post as he hadn't ridden at the track for "quite some time". He said that when he realized his error, he had resumed riding his mount as he put it: "I had to go back to riding it out".
- [5] As noted, the penalty imposed on the Applicant was a seven-day suspension of licence.
- [6] In his Application for Review, the Applicant contends that the penalty was excessive and that the offending should warrant no more than a fine. He provides the following details:

The race was run on the SCTC Polytrack which we rarely race on, and I stated to the Stewards on the day that it is hard to judge where the winning post is with the big screen placed where it is and being so close to the inside rail. As soon as I realize that finished post isn't where I thought it was, in the last few strides of the race I push (sic) my mount out again.

The difference in prize money from 4th to 6th was \$950 and I feel that a fine was a more suitable penalty for this unfortunate incident.

I am known as a strong and effective jockey in the closing stages of a race and have never been known to 'sit up' on my mounts.

- [7] This Panel, of course, must form its own view of the relevant events. We have the benefit of the race footage as well as the transcript and recording of the Steward's inquiry, and the Applicant, who has presented his case in a very able manner today, has tendered a number of photographs which show the finishing post on the Polytrack as well as the finishing post on the main track at the Sunshine Coast.

- [8] We have considered this material, and it is apparent to the Panel that when approaching the 100-metre mark, Boom Boom Basil is still under hard riding by the Applicant, who then looks to get the better of Phantom Spirit to his inside. Then, soon afterwards, inside the 50-metre mark, the Applicant relaxes and drops his hands. It is then evident that in the last couple of strides he rides his mount along, perhaps spotting the winning post and realising that the horse Glorious Ruby to his inside has stopped quickly. In the meantime Phantom Spirit, under hard riding has made its way up to the inside to eventually finish fourth.
- [9] It is the opinion of the Panel that had the Applicant continued to ride his mount inside the 50-meter mark, then he would most probably have finished in the fourth position. The margin between the fourth placed horse Phantom Spirit and the Applicant's mount was relatively minor, being only 0.2 of a length.
- [10] The penalty guidelines set out the purposes of a penalty under the rules of racing as being threefold:
1. To maintain standards of integrity and animal welfare in the Thoroughbred code
 2. To provide general deterrence to the industry by ensuring that the penalties imposed on an individual for a rule breach is sufficiently serious to discourage other participants from breaching the rule, and
 3. Provides specific deterrence to the individual contravening the rule, that is, the penalty imposed on the individual for a rule breach must be sufficiently serious to discourage the particular individual from engaging in similar conduct.
- [11] As the guidelines recognise, the imposition of a penalty involves a balance between the severity of the offence, the need for deterrence, both specific and general, and any mitigating factors. All situations must be assessed according to their own merits, and the guidelines set out a number of considerations of potential relevance. They include the circumstances of the offence, that degree of culpability and the disciplinary record of the Applicant. A plea of guilty, such as occurred in this case, is also a factor of relevance.
- [12] The Applicant maintains, as he did before the Stewards, that his lack of familiarity with the polytrack caused him to misjudge the position of the winning post, which is not as prominent on the polytrack as it is on the main track at the Sunshine Coast.
- [13] It should be said that in the Panel's view this as a matter which could be brought to the attention of the Sunshine Coast Turf Club by the Commission.
- [14] The Applicant however is a very experienced rider who has had in excess of 2200 race rides, including rides at the Sunshine Coast. It is incumbent upon him to ensure that he is familiar with the track and the location of the winning post. The Panel accepts this to be a case of error on the part of the Applicant rather than deliberate conduct, but the result was that the horse

was denied the opportunity to perform at its best and respond to the vigorous riding that was expected.

- [15] Jockeys are obliged to use every endeavour to get the best out of their mount and to be, and appear to be, fully focused on getting the best out of the horse¹.
- [16] The purpose of AR 131(b) is the maintenance of public confidence in the racing industry by ensuring that horses are given, to the extent possible, every chance to finish in the best possible position in the race. A failure to do that has implications for the wagering public and, in terms of loss of prize money, for the connections of the horse involved. To that extent, the integrity of the industry is potentially impaired when the rule is breached.
- [17] The penalty guidelines provide as a starting point for this particular offence a licence suspension of one week. That is in the case where the offending conduct deprives the horse of an opportunity to finish in fourth place.
- [18] We have been referred to some cases by way of penalty comparison. Firstly, the matter of Adam Spinks² involved a plea of guilty to a charge under AR 131(b). In that case, a 12 day suspension was imposed where the conduct had compromised the horse's opportunity to finish in 3rd place.
It's such a situation, the starting point under the guidelines is a two-week suspension. A suspension of 12 days was imposed there, no doubt to reflect to what was described as the "excellent record" of the jockey concerned.
- [19] Perhaps of greater relevance is the matter of Angela Jones³, where Miss Jones had pleaded guilty to a charge under AR 131(b) in a situation in which her mount, as here, was denied the opportunity to finish in fourth place. In that case, seven days suspension was imposed. The penalty imposed on the Applicant here is consistent with those outcomes.
- [20] It is relevant to note that the Applicant has three prior convictions for a breach of this rule. He has a number of breaches that AR 131(a), but of particular relevance are those 3 breaches of AR 131(b). Specific as well as general deterrence is of importance here.
- [21] He has previously been fined for those breaches and reprimanded. Presumably all of those cases involved offending riding which did not result in a horse losing a higher position in the race. In those circumstances Stewards have a greater discretion.
- [22] We accepted the Applicant did plead guilty to the charge and was fully cooperative with the stewards in their enquiry. That is much to his credit.
- [23] However, weighing all of the relevant circumstances here, we consider that this is a case in which the starting point set out in the penalty guidelines provides the appropriate outcome.

¹ Appeal by Jockey Corey Brown Racing Appeals Panel of NSW 8 July 2017

² Warwick 28 December 2023

³ Doomben 20 September 2023

[24] It is therefore the determination of this Panel, pursuant to section 252AH(a) of the Act, that the racing decision, the subject of the application, is confirmed.

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